

ZB# 77-12

Rabs Reality Corp.

77-2-1.1,21-23



Public Hearing

May 9, 1977 - 8:15 pm.

do not have to be advised.  
OCPD, ~~feedback~~ ~~feedback~~

Fees paid -  
Sent to T.C. - 5/10/77

Missing: ~~Town Assessors list~~  
~~affidavit of public notice~~

File - Town Clerk's  
Office

RABS REALTY CORP. (Southgate Village)

#77-12

# ~~77-12~~

# 77-12

# GENERAL RECEIPT

3261

Town of New Windsor, N. Y.

Received of Southgate Village (Rudly) May 17, 1977  
Fifty and 00/100 \$50.00 Dollars  
 For Variance application 77-12

## DISTRIBUTION:

FUND	CODE	AMOUNT
50.00 Check		

BY Charlotte Marantonia

TITLE

WILLIAMSON LAW BOOK CO., ROCHESTER, N. Y. 14609

Received  
8/26/77  
C.M.

ZONING BOARD OF APPEALS : TOWN OF NEW WINDSOR

-----X  
In the Matter of the Application of

SOUTHGATE VILLAGE COMPANY for Area

Variance and Supplemental Use Variance -

Senior Citizens - Application #77-12.  
-----X

*Decision Granting  
Area Variances*

WHEREAS, SOUTHGATE VILLAGE COMPANY, by its agent, Herman J. Rudy, having an office at Vails Gate Heights Drive, Vails Gate, New York, has applied to the Zoning Board of Appeals for an area variance to permit 2 additional units to be completed at the above location; and has applied pursuant to Section 48-21 of the New Windsor Town Code, Subsection F-4 with respect to 16 apartment units, to allow an additional 10% of the approved units to be designated for occupancy restricted to persons 60 years of age or greater, said units to be studio or one bedroom units only.

WHEREAS, notice of public hearing was duly sent to residences and businesses as prescribed by law, and published in The Evening News, also prescribed by law; and

WHEREAS, a public hearing was held on the 30th day of April, 1977; and

WHEREAS, Stephen Reineke, Esq. of the lawfirm of Rider, Weiner & Loeb P. C. appeared on behalf of the applicant, SOUTHGATE VILLAGE COMPANY; and

WHEREAS, a number of area residents appeared at the public hearing in opposition to this application; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor makes the following findings of fact in this matter:

1. The matter having been heard by the Zoning Board of Appeals on April 30, 1977 and a vote of 3-2 denying the application having been rendered on May 23, 1977; and thereafter having been brought to the attention of the Board that 2 applications were

before it, one of which being specifically set forth in the code and the Board having decided to entertain an application for a new vote on the 13th day of June, 1977 on both applications having been before it and on said date said Board having voted on Application #1 as follows: 6 ayes - 1 abstention; and on Application #2 as follows: 4 ayes - 2 nays - 1 abstention, granting each application.

WHEREAS, the Zoning Board of Appeals makes the following determinations of law in this matter:

1. The variance sought is not substantial in relation to the legally required area.
2. The request will not be detrimental to the character of the neighborhood.

NOW THEREFORE BE IT RESOLVED that the Zoning Board of Appeals of the Town of New Windsor grant an area variance and supplemental use as requested in the application.

BE IT FURTHER RESOLVED that the Secretary of the Zoning Board of Appeals is directed to forward a copy of this decision to the applicant, the Planning Board of the Town of New Windsor and the Town Clerk.

---

THEODORE JARGSTOREFF, Chairman

Dated: August 15, 1977.

555 Union Avenue  
New Windsor, N. Y. 12550  
May 25, 1977

Rider, Weiner & Loeb, P. C.  
P. O. Box 1268  
Newburgh, N. Y., 12550

Attn: Stephen Reineke, Esq.

RE: APPLICATION FOR AREA VARIANCES - #77-12  
SOUTHGATE VILLAGE COMPANY

*Vote did not count*

Dear Steve:

As you probably know by now, Southgate Village Company application for area variances was denied at the May 23, 1977 meeting of the New Windsor Zoning Board of Appeals.

Formal decision will be drafted by the Deputy Town Attorney and acted upon at the upcoming meeting in June.

Very truly yours,

PATRICIA RAZANSKY, Secretary

/pr

cc: Mr. Herman Rudy, Property Manager  
Southgate Village Company

Howard Collett, Bldg./Zoning Inspector  
Town of New Windsor

Hank Van Leeuwen, Chairman  
Town Planning Board

555 Union Avenue  
New Windsor, N. Y.  
May 2, 1977

Mr. Hank Van Leeuwen, Chairman  
New Windsor Planning Board  
555 Union Avenue  
New Windsor, N. Y. 12550

RE: PUBLIC HEARINGS SCHEDULED FOR THE ZONING BOARD OF APPEALS  
May 9, 1977

Dear Hank:

Kindly be advised that the following public hearings will be held  
before the Zoning Board of Appeals on Monday evening, May 9, 1977:

8:00 - Application for area variances of  
Gordon & Bernice Robinson

8:15 - Application for area variance of  
Southgate Village Company

Enclosed for your information are copies of the above applications  
for a variance together with the public hearing notices.

Sincerely,

Patricia Razansky, Secretary

/pr

Enclosures

cc: Howard Collett, Bldg./Zoning Inspector

555 Union Avenue  
New Windsor, N. Y.  
June 22, 1977

Stephen Reineke, Esq.  
Rider, Weiner & Loeb P. C.  
P. O. Box 1268  
Newburgh, N. Y. 12560

RE: SOUTHGATE VILLAGE COMPANY  
Application for Variance #77-12

Dear Steve:

This is to confirm that the application of Southgate Village Company #77-12 was granted following a two-part motion at the June 13, 1977 meeting of the Zoning Board of Appeals.

This approval supersedes the previous denial of May 23, 1977 on the grounds that there were not enough members of the full board present at the previous meeting to effectuate a vote which would have any validity and that the majority of the Board would have had to vote on this ~~motion~~.

It's always a pleasure to work with you!

Sincerely,

PATRICIA RAZINSKY, Secretary

/pr

cc: Mr. Herman Rudy, Manager  
Southgate Village





1763

OFFICE OF THE ASSESSOR

TOWN OF NEW WINDSOR

---

Chairman  
Ellsworth E. Weyant  
555 Union Avenue  
New Windsor, New York 12550  
(914) 565-8808

April 28, 1977


Southgate Village RABS Realty  
P.O. Box 124  
838 Broadway  
Newburgh, New York 12550

Gentlemen:

According to my records, the attached list of property owners are within the five hundred (500) feet of the property in question.

The charge for this service is \$40.00. Please remit same to the Town Clerk, Town of New Windsor.

Very truly yours,

  
ELLSWORTH E. WEYANT  
Sole Assessor  
Town of New Windsor

EEW/pk  
att.



1763

## OFFICE OF THE ASSESSOR

## TOWN OF NEW WINDSOR

Chairman  
Ellsworth E. Weyant  
555 Union Avenue  
New Windsor, New York 12550  
(914) 565-8808

- |  |  |
|--|--|
| ✓ Katz, Lewis & Anne<br>353 Old Forge Hill Road<br>New Windsor, New York 12550             | ✓ Goldstein, Barbara<br>27 Vails Gate Height Drive<br>New Windsor, N.Y. 12550                    |
| ✓ Pick, Kenneth R. & Carol Ann<br>351 Old Forge Hill Road<br>New Windsor, N.Y. 12550       | ✓ Lopez, Robert & Joan J.<br>29 Vails Gate Height Drive<br>New Windsor, N.Y. 12550               |
| ✓ Stingo, Frank R. & Esther<br>349 Old Forge Hill Road<br>New Windsor, N.Y. 12550          | ✓ Rossi, Robert R. & Joyce M.<br>31 Vails Gate Height Drive<br>New Windsor, N.Y. 12550           |
| ✓ Lippman, Robert W. & Katherine<br>347 Old Forge Hill Road<br>New Windsor, N.Y. 12550     | ✓ Warshaw, Steven & Ronnie<br>33 Vails Gate Height Drive<br>New Windsor, N.Y. 12550              |
| ✓ Solina, Frank S. & Mary<br>345 Old Forge Hill Road<br>New Windsor, N.Y. 12550            | ✓ Noriega, Richard & Rita A.<br>35 Vails Gate Height Drive<br>New Windsor, N.Y. 12550            |
| ✓ Dunston, John & Alma<br>343 Old Forge Hill Road<br>New Windsor, N.Y. 12550               | ✓ Schmidt, Vincent J. & Gertrude E.<br>37 Vails Gate Height Drive<br>New Windsor, New York .2550 |
| ✓ Martini, Paul M. & Irma A.<br>341 Old Forge Hill Road<br>New Windsor, N.Y. 12550         | ✓ Zelkind, Frederick S. & Thelma<br>39 Vails Gate Height Drive<br>New Windsor, N.Y. 12550        |
| ✓ Monaghan, Gerald T. & Elizabeth J.<br>335 Old Forge Hill Road<br>New Windsor, N.Y. 12550 | ✓ Cirelli, Ursula M.<br>41 Vails Gate Height Drive<br>New Windsor, N.Y. 12550                    |
| ✓ Maldonado, Justo & Lydia<br>21 Vails Gate Heights Drive<br>New Windsor, N.Y. 12550       | ✓ Ledwith, John C. III & Jacqueline<br>43 Vails Gate Height Drive<br>New Windsor, N.Y. 12550     |
| ✓ Nichols, Gilbert & Judith A.<br>P.O. Box 4242<br>Newburgh, New York 12550                | ✓ Shapiro, Martin & Frances<br>45 Vails Gate Height Drive<br>New Windsor, N.Y. 12550             |
| ✓ Bounty, Brian T. & Helen<br>25 Vails Gate Height Drive<br>New Windsor, N.Y. 12550        | ✓ Hunger, Leonard & Lucy<br>47 Vails Gate Height Drive<br>New Windsor, N.Y. 12550                |



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555 Union Avenue  
New Windsor, New York 12550  
(914) 565-8808

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✓ Freed, Richard & Gloria  
49 Vails Gate Height Drive  
New Windsor, N.Y. 12550

✓ Maidman, Bertrand & Myra  
51 Vails Gate Height Drive  
New Windsor, N.Y. 12550

✓ Pacione, Carmine J. & Elinor V.  
319 Old Forge Hill Road  
New Windsor, N.Y. 12550

✓ Diaz, Rafael & Dolores  
53 Vails Gate Height Drive  
New Windsor, N.Y. 12550

✓ Assman, Ulrich & Linda  
99 Montgomery Street  
Newburgh, N.Y. 12550

✓ Weber, Martin  
2213 Wallace Avenue  
Bronx, New York 10467

✓ Barry, George Jr. & Ann Marie  
59 Vails Gate Height Drive  
New Windsor, N.Y. 12550

✓ Herring, David & Edith  
61 Vails Gate Height Drive  
New Windsor, N.Y. 12550

✓ The Administrator of Veteran Aff.  
✓ Loan Guarantee Division  
252 Seventh Avenue  
New York, N.Y. 10001

✓ Christianson, Alton D. & Theresa M.  
327 Old Forge Hill Road  
New Windsor, N.Y. 12550

✓ Miller, Frank L. & Lorraine  
2106 23rd. Avenue  
Astoria, N.Y. 11106

✓ Kane, Arlene  
67 Vails Gate Height Drive  
New Windsor, N.Y. 12550

✓ Dolan, Edward A. & Eileen  
69 Vails Gate Height Drive  
New Windsor, N.Y. 12550

✓ Petrolese, Salvatore & Concetta  
71 Vails Gate Height Drive  
New Windsor, N.Y. 12550

✓ Luongo, Carmine A. & Norma  
73 Vails Gate Height Drive  
New Windsor, N.Y. 12550

✓ Thomas, George B. & Geetha M.  
75 Vails Gate Height Drive  
New Windsor, N.Y. 12550

✓ Doremus, David P. & Ann S.  
77 Vails Gate Height Drive  
New Windsor, N.Y. 12550

✓ Dunkowski, John V. Jr. & Ann  
79 Vails Gate Height Drive  
New Windsor, N.Y. 12550

✓ Amsterdam, Leon M. & Lillian  
89 Vails Gate Height Drive  
New Windsor, N.Y. 12550

✓ Royall, Daniel & Viola  
97 Vails Gate Height Drive  
New Windsor, N.Y. 12550

✓ Conklin, Madeline  
103 Vails Gate Height Drive  
New Windsor, N.Y. 12550

✓ Hunter, Frederick & Edwinna  
109 Vails Gate Height Drive  
New Windsor, N.Y. 12550



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TOWN OF NEW WINDSOR

Chairman  
Ellsworth E. Weyant  
555 Union Avenue  
New Windsor, New York 12550  
(914) 565-8808

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- |  |   |
|--|---|
| ✓ Mariette, Alix M. & Adel<br>117 Vails Gate Height Drive<br>New Windsor, N.Y. 12550         | ✓ Cincotta, Vincent & Josephine<br>227 Vails Gate Height Drive<br>New Windsor, N.Y. 12550 |
| ✓ Banks, Earnest & Ruth<br>125 Vails Gate Height Drive<br>New Windsor, n.Y. 12550            | ✓ Hommel, Kenneth R. & Mary C.<br>235 Vails Gate Height Drive<br>New Windsor, N.Y. 12550  |
| ✓ Petersel, Martin A. & Fran G.<br>133 Vails Gate Height Drive<br>New Windsor, N.Y. 12550    | ✓ Francan, Richard F. & Frances<br>243 Vails Gate Height Drive<br>New Windsor, N.Y. 12550 |
| ✓ Ashton Rowell & Associates<br>157 South Plank Road<br>Newburgh, N.Y. 12550                 | ✓ Manzione, James P. & Lorraine<br>251 Vails Gate Height Drive<br>New Windsor, N.Y. 12550 |
| ✓ Morange, William A. & Dianna A.<br>149 Vails Gate Height Drive<br>New Windsor, N.Y. 12550  | ✓ Huff, Frederic & Josephine<br>259 Vails Gate Height Drive<br>New Windsor, N.Y. 12550    |
| ✓ Uherec, Joseph J. & Doreen V.<br>157 Vails Gate Height Drive<br>New Windsor, N.Y. 12550    | ✓ Gunn, Peter L.<br>C/O Philip Broadman<br>5 Washburn Lane<br>Stony Point, New York 10980 |
| ✓ Becker, Stanley D. & Lorraine A.<br>171 Vails Gate Height Drive<br>New Windsor, N.Y. 12550 | ✓ Wolff, Edwin J. Jr. & Lorayne<br>80 Vails Gate Height Drive<br>New Windsor, N.Y. 12550  |
| ✓ Wilson, Samuel C. & Norma M.<br>187 Vails Gate Height Drive<br>New Windsor, N.Y. 12550     | ✓ Klein, Robert G. & Harriet<br>82 Vails Gate Height Drive<br>New Windsor, N.Y. 12550     |
| ✓ Fitzpatrick, Richard & Beatrice<br>195 Vails Gate Height Drive<br>New Windsor, n.y. 12550  | ✓ Boykin, Cecil Jr. & Ruby J.<br>84 Vails Gate Height Drive<br>New Windsor, N.Y. 12550    |
| ✓ Fitch, William G. & Jeanette A.<br>203 Vails Gate Height Drive<br>New Windsor, N.Y. 12550  | ✓ Maresca, John R.<br>86 Vails Gate Height drive<br>New Windsor, N.Y. 12550               |
| ✓ Canna, John A. & Linda J.<br>179 Vails Gate Height Drive<br>New Windsor, N.Y. 12550        | ✓ Ferellec, Michel M. & Carolyn<br>88 Vails Gate Height Drive<br>New Windsor, N.Y. 12550  |
| ✓ Allouf, Alfred & Sarah<br>219 Vails Gate Height Drive                                      |   |



OFFICE OF THE ASSESSOR

TOWN OF NEW WINDSOR

Chairman  
Ellsworth E Weyant  
555 Union Avenue  
New Windsor, New York 12530  
(914) 565-8808

1763

- |   |   |
|---|---|
| ✓ Gordon, Herbert & Bernice<br>90 Vails Gate Height Drive<br>New Windsor, N.Y. L2550        | ✓ Mazurek, Robert A. & Linda R.<br>118 Vails Gate Height Drive<br>New Windsor, N.Y. 12550     |
| ✓ Dolan, Bernard J. & Beatrice A.<br>92 Vails Gate Height Drive<br>New Windsor, N.Y. 12550  | ✓ Ingrassia, Carl & Patricia<br>120 Vails Gate Height Drive<br>new Windsor, N.Y. 12550        |
| ✓ White, Joseph T. & Shirley A.<br>96 Vails Gate Height Drive<br>New Windsor, N.Y. 12550    | ✓ Mahoney, John F. & Luz M.<br>122 Vails Gate Height Drive<br>New Windsor, N.Y. 12550         |
| ✓ Stone, James J. & Johanna R.<br>100 Vails Gate Height Drive<br>New Windsor, N.Y. 12550    | ✓ Mc Garry, William & Lynne<br>124 Vails Gate Height Drive<br>New Windsor, N.Y. 12550         |
| ✓ Rosa, Giobelt & Mirta<br>102 Vails Gate Height Drive<br>New Windsor, N.Y. 12550           | ✓ Ekstein, Robert N. & Barbara<br>126 Vails Gate Height Drive<br>New Windsor, N.Y. L2550      |
| ✓ Hughes, John J. & Fay F.<br>104 Vails Gate Height Drive<br>New Windsor, N.Y. 12550        | ✓ Lugo, Aurelio & Bertha<br>128 vails gate Height drive<br>New Windsor, N.Y. L2550            |
| ✓ Monahan, Jerome & Mary E.<br>106 Vails Gate Height Drive<br>New Windsor, N.Y. 12550       | ✓ Lamb, Edward M. & Anne P.<br>130 Vails Gate Height Drive<br>New Windsor, N.Y. 12550         |
| ✓ Goldman, Melvin & Sally<br>108 Vails Gate Height Drive<br>New Windsor, N.Y. 12550         | ✓ De Stefano, Michael & Helen<br>134 Vails Gate Height Drive<br>New Windsor, N.Y. 12550       |
| ✓ Napolitano, Thomas & Billie Mae<br>110 Vails Gate Height Drive<br>New Windsor, N.Y. 12550 | ✓ Sullivan, Francis E. & Carolyn M.<br>136 Vails Gate Height Drive<br>New Windsor, N.Y. 12550 |
| ✓ Carey, John W. & Alice<br>114 Vails Gate Height Drive<br>New Windsor, N.Y. 12550          | ✓ Kessler, William & Adele<br>138 Vails Gate Height Drive<br>New Windsor, N.Y. L2550          |
| ✓ Donaghy, Francis J. & Agnes<br>116 Vails Gate Height Drive<br>New Windsor, N.Y. 12550     | ✓ Trincali, Robert F. & Dolores M.<br>140 Vails Gate Height Drive<br>New Windsor, N.Y. 12550  |



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## OFFICE OF THE ASSESSOR

## TOWN OF NEW WINDSOR

Chairman  
Ellsworth E. Weyant  
555 Union Avenue  
New Windsor New York 12550  
(914) 565-8808

✓ McLean, Bettye J.  
142 Vails Gate Height Drive  
New Windsor, N.Y. 12550

✓ Del Gatto, Vincent & Johanna  
148 Vails Gate Height Drive  
New Windsor, N.Y. 12550

✓ Forneris, Richard A. & Rosemary  
150 Vails Gate Height Drive  
New Windsor, N.Y. 12550

✓ Roberto, Ralph A. & Jane  
154 Vails Gate Height Drive  
New Windsor, N.Y. 12550

✓ Junior, Robert J. & Diane  
158 Vails Gate Height Drive  
New Windsor, N.Y. 12550

✓ Faurot, Randall & Katherine  
158 Vails Gate Height Drive  
New Windsor, N.Y. 12550

✓ Scanlan, George P. & Jacqueline  
160 Vails Gate Height Drive  
New Windsor, N.Y. 12550

✓ Gozza, Margaret B.  
162 Vails Gate Height Drive  
New Windsor, N.Y. 12550

✓ Ware, Jerome & Sophie  
164 Vails Gate Height Drive  
New Windsor, N.Y. 12550

✓ Feria, Hector D. & Olga  
166 Vails Gate Height Drive  
New Windsor, N.Y. 12550

✓ LaBarbera, Peter & Ada  
168 Vails Gate Height Drive  
New Windsor, N.Y. 12550

✓ Milne, Alexander & Patricia  
170 Vails Gate Height Drive  
New Windsor, N.Y. 12550

✓ Prince, Thomas E. & Virginia M.  
172 Vails Gate Height Drive  
New Windsor, N.Y. 12550

✓ Latterman, Joseph M. & June E.  
174 Vails Gate Height Drive  
New Windsor, N.Y. 12550

✓ Moyer, Jack & Catherine M.  
176 Vails Gate Height Drive  
New Windsor, N.Y. 12550

✓ Grace, Earl A. & Suzanne  
176 Vails Gate Height Drive  
New Windsor, N.Y. 12550

✓ Ulster Savings Bank  
280 Wall Street  
Kingston, New York 12401

✓ Vails Gate Construction Corp.  
5 Washburn Lane  
Stony Point, New York 10980

✓ Kumstar, Rose B.  
RD#3 Route 300 N. Plank Road  
Newburgh, N.Y. 12550

✓ DiPaolo, Dante & Eleanor D.  
502 Union Avenue  
New Windsor, N.Y. 12550

✓ Murphy, Edward W. & Marie  
329 Old Forge Hill Road  
New Windsor, N.Y. 12550

Pacione, Carmine J. & Elinor V.  
319 Old Forge Hill Road  
New Windsor, N.Y. 12550



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# OFFICE OF THE ASSESSOR


## TOWN OF NEW WINDSOR

Chairman  
Ellsworth E Weyant  
555 Union Avenue  
New Windsor, New York 12550  
(914) 565-8808

- ✓ Graziano, Jack V. & Emilie M.  
317 Old Forge Hill Road  
New Windsor, N.Y. 12550
- ✓ Musolino, Frances  
327 Old Forge Hill Road  
New Windsor, N.Y. 12550
- ✓ Beck, Raymond J. Jr. & Pauline A.  
RD#2 Old Temple Hill Road  
New Windsor, N.Y. 12550
- ✓ Morgese, Felice  
71 Sullivan Street  
N.Y., N.Y. 10012
- ✓ New Windsor Associates  
161 Hillside Avenue  
Cresskill, New Jersey
- Newburgh City School District  
124 Grand Street  
Newburgh, New York 12550 ✓

(116)

Respectfully submitted

  
ELLSWORTH E. WEYANT  
Sole Assessor  
Town of New Windsor

Rec'd -  
20A - PR

MAY 05 1977

Mr. Richard Freed  
49 Vails Gate Heights Drive  
New Windsor, New York 12550

May 5, 1977

Zoning Board Of Appeals  
Theodore Jargstoref, Chairman  
New Windsor Town Hall  
New Windsor, New York 12550

Gentlemen:

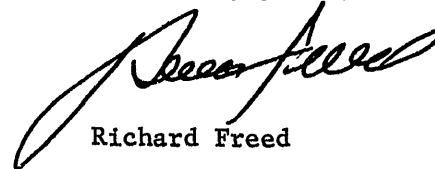
In response to Appeal No. 12 at the request of Southgate Village, I respectfully request that you read my letter aloud at the hearing as I cannot be present.

Residing at my present address for approximately 8½ years, words can not express my complete dissatisfaction and strong feelings against this appeal for people to move into an already overcrowded area for the following reasons:

- 1) When the present owners purchased the property they knew exactly how many families were allowed to occupy the complex.
- 2) The original owners built more units than zoning allowed and if the town allows this then why have a zoning board.
- 3) If you put senior citizens into these cellar and basement spaces or for that matter anyone who occupies this space will be annoyed with the constant noise from the street, therefore calling the police department to quite the noise.
- 4) In Appeal No. 12 the owners of Southgate Village are applying for the permission to finish existing apartments. These apartments do not exist nor have they ever existed. Let the owners block up the openings with masonry if they are worried about vandalism.

Hoping that the Zoning Board Of Appeals will not allow a bad situation to worsen, I respectfully request that the Zoning Board deny the appeal.

Very truly yours,



Richard Freed

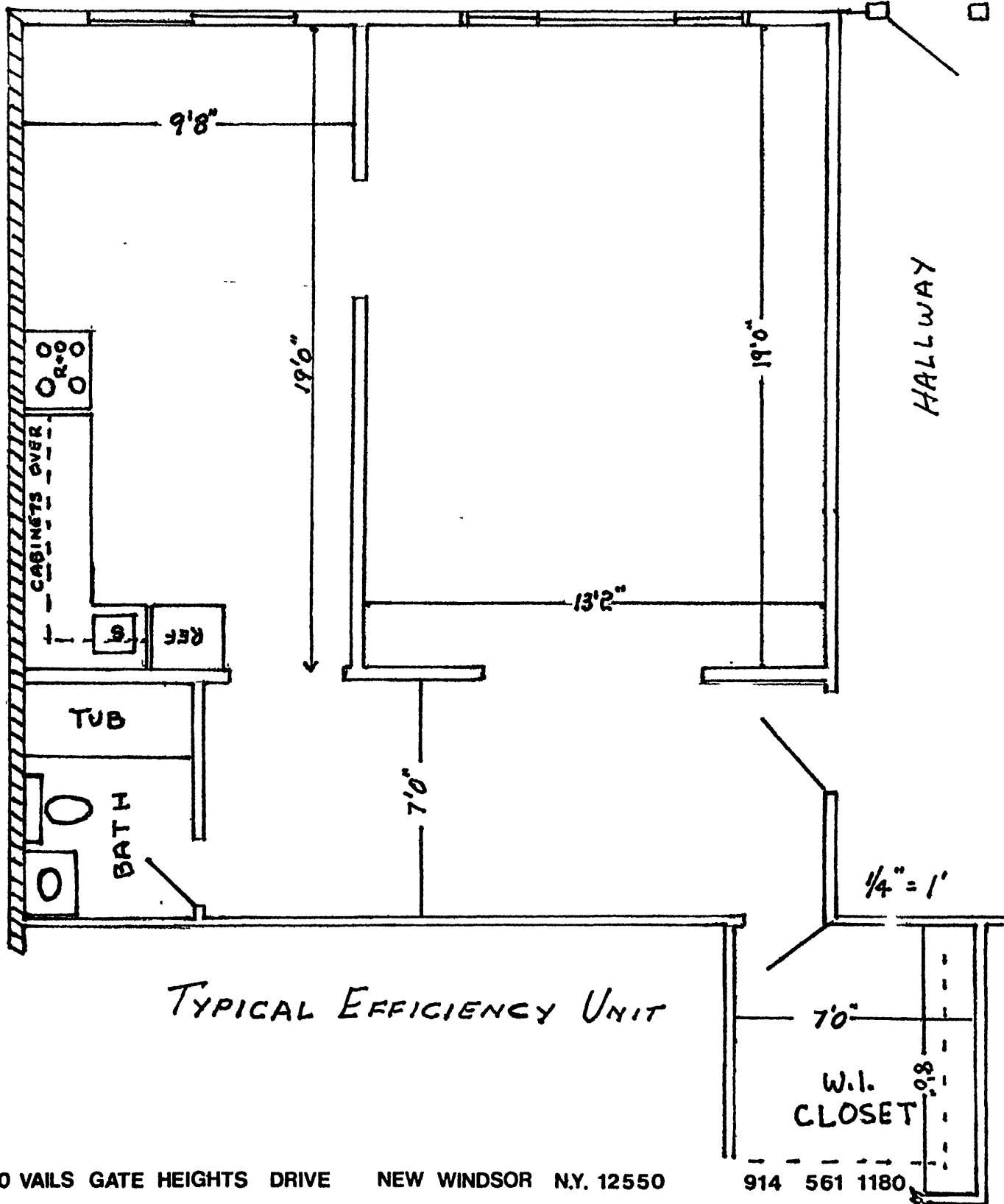
rf/



Southgate  
Village  
a planned community

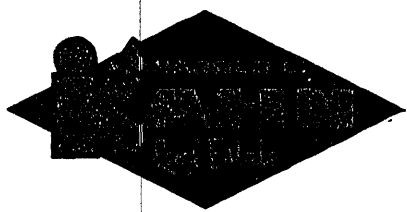
VAILS GATE HEIGHTS DR.

STREET ENTRY



TYPICAL EFFICIENCY UNIT

2200 VAILS GATE HEIGHTS DRIVE NEW WINDSOR N.Y. 12550



838 BROADWAY • NEWBURGH, N Y 12550  
(914) 562-4800

February 19, 1976

FEB 23 1976

The Zoning Board of Appeals  
Town of New Windsor  
New Windsor, New York 12550

Re: Southgate Village

Gentlemen:

I first wish to express my appreciation for the manner in which you received me at your meeting of February 9, 1976. It was a pleasure to discuss the problems of Southgate with a knowledgeable panel and to get the complete understanding of the Board. When I met of February 11th with Mr. Yorkis, he was also sympathetic with the problems we are facing in our efforts to make Southgate a viable situation and one that will be an asset to the community as well as a good ratable for the tax rolls.

As I indicated to you, our sequence of completion is as follows:

1. Completion of the fire repairs in the 2200 Building and preparing for occupancy.
2. Completion of Buildings 2600 and 2700 for occupancy.

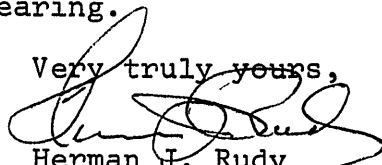
(Simultaneously with above, we plan to rehabilitate the existing buildings and start our landscaping and outside work. There are plans for a swimming pool and other play areas.)

3. Meet with the Town Engineer to decide on protecting the roadways and slopes as discussed with Supervisor Larkin and Mr. Cuomo.

We anticipate completion by the end of the year or sooner. In the interim, if the Board will consider approving the seven units in Building 2200, it would help that particular building esthetically since it faces the road and will be a help to us economically.

I look forward to meeting with the Board at it's next meeting for further discussion prior to a public hearing.

Very truly yours,

  
Herman J. Rudy  
Property Manager for  
Harold L. Kahn, Inc.



PUBLIC NOTICE OF HEARING BEFORE

THE ZONING BOARD OF APPEALS

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the  
TOWN OF NEW WINDSOR, New York will hold a public hearing pursuant  
to Section 48-33A of the Zoning Ordinance on the following  
proposition:

Appeal No. 12

Request of SOUTHGATE VILLAGE COMPANY

for a Variance ~~Special Use Permit~~ of the  
regulations of the Zoning Local Law, to permit  
additional apartment units

being a Variance ~~Special Use Permit~~ of  
Section 48-12-Table of Bulk Regulations - Column 4  
for property situated at: Vails Gate Heights Drive,  
Vails Gate, Town of New Windsor, New York.

SAID HEARING will take place on the 9th day of May, 19 77,  
at the New Windsor Town Hall, 555 Union Avenue, New Windsor, N. Y.  
beginning at 8:15 o'clock P. M.

THEODORE JARGSTOREF  
Chairman

TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE OR SPECIAL PERMIT

#76-5  
\_\_\_\_\_  
(Number)

March 8, 1976  
\_\_\_\_\_  
(Date)

I. Applicant information:

- (a) Harold L. Kahn, Inc., 838 Broadway, Newburgh, N.Y., 562-4800, as  
(Name, address and phone of Applicant) agent
- (b) Rabs Realty Corp., 274 West Broadway, Long Beach, N.Y., owner,  
(Name, address and phone of purchaser or lessee)
- (c) Rider, Weiner & Loeb, P.C., 427 Little Britain Road, - 562-8700  
(Name, address and phone of attorney)
- (d) \_\_\_\_\_  
(Name, address and phone of broker)

II. Application type:

- ☐ Use variance
- ☒ Area variance
- ☐ Sign variance
- ☐ Special permit

III. Property information:

- Tax Map 71  
Block 2
- (a) R-5 Southgate Village Tax Map 71  
(Zone) (Address) (Block 2)
- Old Windsor Drive Lots: 1.1-1.21-1.22-1.23  
(Address) (M B L) (Lot size)
- (b) What other zones lie within 500 ft.? C
- (c) Is a pending sale or lease subject to ZBA approval of  
this application? No
- (d) When was property purchased by present owner? December 1975
- (e) Has property been subdivided previously? No When? \_\_\_\_\_
- (f) Has property been subject of variance or special permit  
previously? Yes When? 1969
- (g) Has an order-to-remedy violation been issued against the property by

#76-5  
(Number)

March 8, 1976  
(Date)

I. Applicant information:

- (a) Harold L. Kahn, Inc., 838 Broadway, Newburgh, N.Y., 562-4800, as  
(Name, address and phone of Applicant) agent
- (b) Rabs Realty Corp., 274 West Broadway, Long Beach, N.Y., owner,  
(Name, address and phone of purchaser or lessee)
- (c) Rider, Weiner & Loeb, P.C., 427 Little Britain Road, - 562-8700  
(Name, address and phone of attorney)
- (d) \_\_\_\_\_  
(Name, address and phone of broker)

II. Application type:

- ☐ Use variance
- ☒ Area variance
- ☐ Sign variance
- ☐ Special permit

III. Property information:

Tax Map 71  
Block 2

- (a) R-5 Southgate Village Tax Map 71  
(Zone) (Address) (Block 2)
- Old Windsor Drive Lots 1.1-1.21-1.22-1.23  
(Address) (M B L) (Lot size)
- (b) What other zones lie within 500 ft.? C
- (c) Is a pending sale or lease subject to ZBA approval of this application? No
- (d) When was property purchased by present owner? December 1975
- (e) Has property been subdivided previously? No When? \_\_\_\_\_
- (f) Has property been subject of variance or special permit previously? Yes When? 1969
- (g) Has an order-to-remedy violation been issued against the property by the Zoning Inspector? \_\_\_\_\_. If so, when \_\_\_\_\_
- (h) Is there any outside storage at the property now or is any proposed? Describe in detail. No



IV. Use variance:

- (a) Use Variance requested from New Windsor Zoning Local Law, Section \_\_\_\_\_, Table \_\_\_\_\_, Column \_\_\_\_\_, to allow \_\_\_\_\_

(Describe proposed use)

- (b) The legal standard for a "USE" variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.



V. Area variance:

- (a) Area variance requested from New Windsor Zoning Local Law, Section \_\_\_\_\_, Table \_\_\_\_\_, Column \_\_\_\_\_

<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area _____	_____	_____
Min. Lot Width _____	_____	_____
Reqd. Front Yard _____	_____	_____
Reqd. Side Yards <u>1</u>	<u>1</u>	<u>1</u>
Reqd. Rear Yard _____	_____	_____
Reqd. Street Frontage* _____	_____	_____
Max. Bldg. Hgt. _____	_____	_____
Min. Floor Area* _____	_____	_____
Development Coverage* _____ %	_____ %	_____ %
Floor Area Ratio** _____	_____	_____

\* Residential districts only

\*\* Non-residential districts only

(Describe proposed use)

- (b) The legal standard for a "USE" variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.



V. Area variance:

- (a) Area variance requested from New Windsor Zoning Local Law, Section \_\_\_\_\_, Table \_\_\_\_\_, Column \_\_\_\_\_

<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area _____	_____	_____
Min. Lot Width _____	_____	_____
Reqd. Front Yard _____	_____	_____
Reqd. Side Yards <u>/</u>	<u>/</u>	<u>/</u>
Reqd. Rear Yard _____	_____	_____
Reqd. Street Frontage* _____	_____	_____
Max. Bldg. Hgt. _____	_____	_____
Min. Floor Area* _____	_____	_____
Development Coverage* _____ %	_____ %	_____ %
Floor Area Ratio** _____	_____	_____

\* Residential districts only

\*\* Non-residential districts only

Applicant requests a variance of the density provisions of the zoning ordinance.

- (b) The legal standard for an "AREA" variance is practical difficulty. Describe why you feel practical difficulty will result unless the area variance is granted. Also set forth any efforts you have made to alleviate the difficulty other than this application.

See Annexed Schedule

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VI. Sign Variance:

- (a) Variance requested from New Windsor Zoning Local Law, Section \_\_\_\_\_, Table \_\_\_\_\_, Column \_\_\_\_\_.

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Sign 1	_____	_____	_____
Sign 2	_____	_____	_____
Sign 3	_____	_____	_____
Sign 4	_____	_____	_____
Sign 5	_____	_____	_____
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Total	_____ sq.ft.	_____ sq.ft.	_____ sq.ft.

- (b) Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or oversize signs.

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- (c) What is total area in square feet of all signs on premises including signs on windows, face of building, and free-standing signs?

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\_\_\_\_\_



VI.

Sign Variance:

- (a) Variance requested from New Windsor Zoning Local Law, Section \_\_\_\_\_, Table \_\_\_\_\_, Column \_\_\_\_\_.

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Sign 1	_____	_____	_____
Sign 2	_____	_____	_____
Sign 3	_____	_____	_____
Sign 4	_____	_____	_____
Sign 5	_____	_____	_____
<hr/>			
Total	_____ sq.ft.	_____ sq.ft.	_____ sq.ft.

- (b) Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or oversize signs.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

- (c) What is total area in square feet of all signs on premises including signs on windows, face of building, and free-standing signs?

\_\_\_\_\_.

☐ VII. Special Permit:

- (a) Special permit requested under New Windsor Zoning Local Law, Section \_\_\_\_\_, Table \_\_\_\_\_, Column \_\_\_\_\_.
- (b) Describe in detail the use and structures proposed for the special permit.

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☐ VIII. Additional comments:

- (a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or upgraded and that the intent and spirit of the New Windsor Zoning Local Law is fostered. (Trees, landscaping, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)

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☐ IX. Attachments required:

- \_\_\_ Copy of letter of referral from Building and Zoning Inspector.
- \_\_\_ Copy of contract of sale, lease or franchise agreement.
- \_\_\_ Copy of tax map showing adjacent properties
- \_\_\_ Copy(ies) of site plan or survey showing the size and location of the lot, the location of all buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot.
- \_\_\_ Copy(ies) of sign(s) with dimensions.
- \_\_\_ Check in amount of \$\_\_\_\_\_ payable to Town of New Windsor.
- Photos of existing premises which show all present signs and landscaping.

- (b) Describe in detail the use and structures proposed for the special permit.

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☐ VIII. Additional comments:

- (a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or upgraded and that the intent and spirit of the New Windsor Zoning Local Law is fostered. (Trees, landscaping, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)

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- \_\_\_ Copy(ies) of sign(s) with dimensions.
- \_\_\_ Check in amount of \$ \_\_\_\_\_ payable to Town of New Windsor.
- Photos of existing premises which show all present signs and landscaping.
- All photos must be 8" x 10" or be mounted on 8 1/2" x 11" paper.
- \_\_\_ Other

(Official Use Only)

X. AFFIDAVIT.

Date March 8, 1976

STATE OF NEW YORK)  
                                  ) SS.:  
COUNTY OF ORANGE )

The Undersigned Applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his knowledge or to the best of his information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance or permit granted if the conditions or situation presented herein are materially changed.

Harold L. Kahn, Inc.

By: *Harold L. Kahn*  
(Applicant)

Sworn to before me this

8th day of March, ~~1978~~

1976.

*Stephen L. Reineke*

STEPHEN L. REINEKE  
Notary Public, State of New York  
Qualified in Putnam County  
Commission Expires March 30, 1977

XI. ZBA Action:

(a) Public Hearing date \_\_\_\_\_

(b) Variance is \_\_\_\_\_

(c) Special Permit is \_\_\_\_\_

(d) Conditions and safeguards \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

A FORMAL DECISION WILL FOLLOW  
WHICH WILL BE ADOPTED BY RESO-  
LUTION OF ZONING BOARD OF APPEALS.

COUNTY OF ORANGE )  
The Undersigned Applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his knowledge or to the best of his information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance or permit granted if the conditions or situation presented herein are materially changed.

Harold L. Kahn, Inc.

By: *Harold L. Kahn*  
(Applicant)

Sworn to before me this

8th day of March, ~~1975~~

1976.

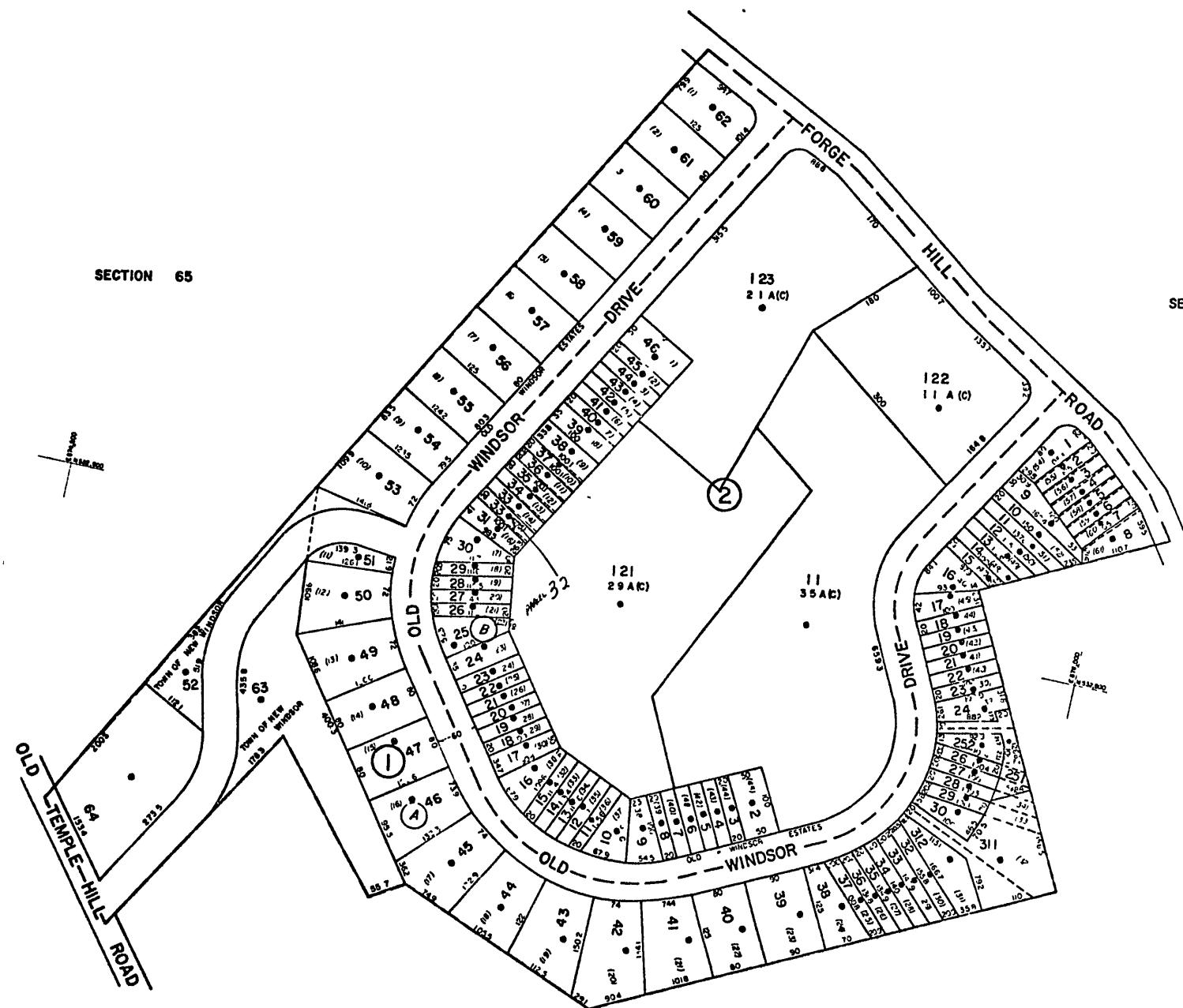
*Stephen L. Reineke*

STEPHEN L. REINEKE  
Notary Public, State of New York  
Qualified in Putnam County  
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XI. ZBA Action:

- (a) Public Hearing date \_\_\_\_\_
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- (c) Special Permit is \_\_\_\_\_
- (c) Conditions and safeguards \_\_\_\_\_  
\_\_\_\_\_  
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A FORMAL DECISION WILL FOLLOW  
WHICH WILL BE ADOPTED BY RESO-  
LUTION OF ZONING BOARD OF APPEALS.



SECTION 65

SECTION 65

SECTION 65

SCHEDULE ANNEXED TO APPLICATION FOR VARIANCE  
APPLICATION NO. 77-12

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The property which is the subject of this application for an area variance consists of 10 buildings each containing a total of 16 apartment units at this time. The project received approval from the New Windsor Planning Board on April 9, 1969 and was developed by Vails Gate Construction. In addition to the units which were originally approved, the original developer commenced construction of 28 lower level units which units presently exist in various construction stages. None of these units have ever been completed and none are presently occupied.

The project experienced economic difficulties and the holder of the first mortgage was forced to assume the responsibilities of a mortgagee in possession. A sale of the property to the present owners took place in December of 1975 and with the exception of the aforementioned lower level apartments the project has been completed by the present owner.

This application seeks approval for the completion and rental of 18 of the lower level units and is a 2 part application.

The first part of the application is with respect to 16 of the units and pursuant to Section 48-21 of the New Windsor Code, Subsection F-4 the applicant requests the Board to allow an additional 10% of the approved units which shall be designed for and occupancy restricted to persons 60 years of age or greater. These units to be studio or one bedroom units only.

The second part of this application is for an area variance to allow 2 additional units to be completed.

The applicant believes that it is entitled to the relief it seeks be-

The property which is the subject of this application for an area variance consists of 10 buildings each containing a total of 16 apartment units at this time. The project received approval from the New Windsor Planning Board on April 9, 1969 and was developed by Vails Gate Construction. In addition to the units which were originally approved, the original developer commenced construction of 28 lower level units which units presently exist in various construction stages. None of these units have ever been completed and none are presently occupied.

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The second part of this application is for an area variance to allow 2 additional units to be completed.

The applicant believes that it is entitled to the relief it seeks because of the existence of practical difficulties as follows:



FIRST: The requested variance is to add an additional 2 lower level units to an existing approved project which with the 10% increase for restricted occupancy will total 176 units and applicant believes that this is not a substantial variation.

SECOND: Because each of these lower level units would be studio or one bedroom units, there would be little increased population density to adversely affect available governmental facilities. All of the required utilities are already in existence and the small additional number of residences would not burden these governmental facilities.

THIRD: No change would be produced in the character of the neighborhood because it has already been developed for multi-family residential use and the relief sought by the applicant would merely continue that use. The applicant does not believe that such continuation would in any way produce a detriment to any adjoining properties.

In view of the fact that these lower level units have already been framed and are in part already in existence, There does not appear to the applicant to be any other feasible method for the applicant to pursue. The windows and doors of the units have already cut in place and these openings provide an invitation for continued vandalism and attempts by unauthorized persons to gain access to the lower units. The attempts by the applicant to seal these units have not been totally successful as far as security is concerned and certainly do not add to the physical appearance of the entire project. The applicant since taking possession on January 1, 1976 has expended more than \$2,000 in glass repairs for these units. Lastly, the applicant believes that the interest of justice would be served if this application were granted particularly in view of the applicant's limited involvement with the project which began when it took title on December 29, 1975. The

level units to an existing approved project which with the 10% increase for restricted occupancy will total 176 units and applicant believes that this is not a substantial variation.

SECOND: Because each of these lower level units would be studio or one bedroom units, there would be little increased population density to adversely affect available governmental facilities. All of the required utilities are already in existence and the small additional number of residences would not burden these governmental facilities.

THIRD: No change would be produced in the character of the neighborhood because it has already been developed for multi-family residential use and the relief sought by the applicant would merely continue that use. The applicant does not believe that such continuation would in any way produce a detriment to any adjoining properties.

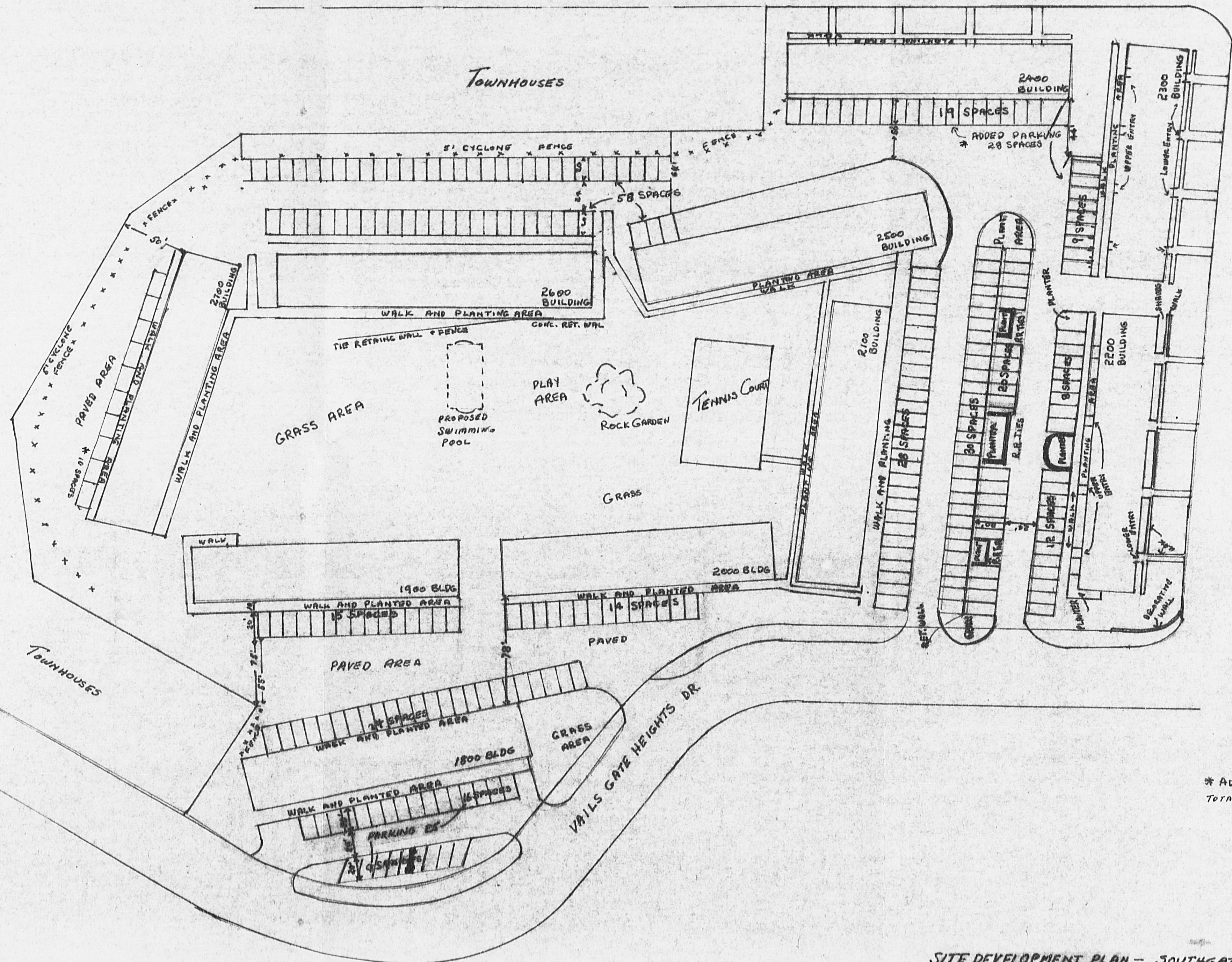
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- lender had been forced to move into actual operation of the project and the applicant acquired title in part to accommodate the lender in the hope that the situation could be rectified. In fact, applicant has worked closely with the Town Engineer in correcting certain site problems that existed at the time applicant took title. The lower level units which were developed by the earlier owner and their continued existence without completion raises problems for the present owner, for the other occupants and for the Town of New Windsor which can best be solved by the granting of this application so as to permit the completion of these units, their rental and the consequential increase in assessed valuation for the Town.



AILS GATE HEIGHTS DR.

Townhouses



\* ADDITIONAL PARKING  
TOTAL 272 SPACES

SITE DEVELOPMENT PLAN - SOUTHGATE VILLAGE 1" = 50'